

**HAMILTON COUNTY BOARD OF COMMISSIONERS**  
**JULY 8, 2002**

The Hamilton County Board of Commissioners met on Monday, July 8, 2002 in the Commissioner's Courtroom in the Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session. President Clark called the public meeting to order at 1:45 pm. A quorum was declared present of Commissioner Sharon R. Clark, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

Commissioner Holt was not present during the opening of the meeting.

**Approval of Minutes:** (Tape 1, #25)

Dillinger motioned to approve the minutes of June 24, 2002. Clark seconded. Motion carried unanimously.

**Approval of Executive Session Memoranda:**

Dillinger motioned to approve the Executive Session Memoranda for July 8, 2002. Clark seconded. Motion carried unanimously.

**Bid Openings:**

**Bridge #45, Six Points Road over Henley Creek:**

Mr. Les Locke stated we did not receive any bids for Bridge #45, Six Points over Henley Creek. Dillinger motioned to authorize the Highway Department to rebid this project in 4-6 weeks. Clark seconded. Motion carried unanimously.

**Open Road Cut Permits:**

Mr. Locke requested approval of Open Road Cut Permit: RDCUT 2002-036 - Habitat for Humanity at 5' south of the centerline of 104th Street and 180' west of the west right-of-way of Combs Street to the south edge of 104th Street approximately 3' long for sanitary sewer connection. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

**Acceptance of Bonds/Letters of Credit - Highway Department:**

Mr. Locke requested acceptance of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B-91-0048 - Travelers Casualty & Surety Company Continuation Certificate for Bond No. 027-1033-50590BCM-17 issued on behalf of Indiana Gas Company, Inc. dba Vectren Energy to expire July 6, 2003. 2) HCHD #B-92-0032 - Safeco Insurance Company Performance Right-of-Way Permit Bond No. 566311 issued on behalf of the United Telephone Company of Indiana, Inc. in the sum of \$25,000 to expire July 2, 2003. 3) HCHD #B-95-0074 - Continental Casualty Company Continuation Certificate for Bond No. 137872093 issued on behalf of Doris Cullison dba Cullison Excavating to expire July 31, 2003. 4) HCHD #B-01-0105 - Developers Surety and Indemnity Company Bond Rider for Bond No. 886582S issued on behalf of Estridge Development Co., in the sum of \$10,052 reduced from \$39,146.00. 5) HCHD #B-01-0156 - Continental Casualty Company Rider for Bond No. 190488148 issued

on behalf of Land Innovators Co. the bond number was changed from 190488148 to 929212426. 6) HCHD #B-02-0061 - St. Paul Fire & Marine Insurance Company Performance and Payment Bond No. 400SR3455-02 issued on behalf of Erber & Milligan Construction Co., Inc. in the sum of \$294,921.45 for rehabilitation of Bridge No. 136 - River Road over Cicero Creek, and Bridge No. 237 - Deer Ridge Drive over Mitchener Ditch to expire one year after principal ceased work on contract. 7) HCHD #B-02-0062 - National Fire Insurance Company Subdivision Bond No. 92950151 issued on behalf of Duke Construction in the sum of \$248,060 for 96th Street & College for road improvements within Hamilton County right-of-way to expire 6-21-03. 8) HCHD #B-02-0063 - St. Paul Fire & Marine Insurance Company Permit Bond No. 400SG2580 issued on behalf of Beacon Pointe Homeowners Association in the sum of \$5,000 to expire May 2, 2003. 9) HCHD #B-02-0064 - Developers Surety and Indemnity Company Maintenance Bond No. 886581S issued on behalf of Estridge Development Company in the sum of \$2,688.80 for curbs in Section 2 of High Grove to expire June 28, 2005. 10) HCHD #B-02-0065 - The Cincinnati Insurance Company Performance Bond No. B80446333 issued on behalf of EDSAM Construction, Inc. in the sum of \$314,092.87 for Bridge No. 99 to expire June 26, 2004. 11) HCHD #B-02-0066 - The Cincinnati Insurance Company Payment Bond No. B80446333 issued on behalf of EDSAM Construction, Inc. in the sum of \$314,092.87 for Bridge No. 99 to expire June 26, 2004. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Holt returned to the meeting.

Release of Bonds/Letters of Credit - Highway Department:

Mr. Locke requested release of a Bond for the Highway Department. 1) HCHD #B-01-0031 - United States Fidelity and Guaranty Company Permit Bond for a temporary drive, 11825 River Road, Clay Township, Permit #P2001199. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Agreements (Tape 1, #157)**

Bridge #128 Engineering Agreement:

Mr. Locke requested approval of the Engineering Agreement, HCHD #E-02-0008, for Bridge #128, Victory Chapel Road over Musselman Ditch with Floyd E. Burroughs & Associates, Inc in the amount of \$78,000.00. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

I-69 (Exit 10) and SR 238 Interchange Engineering Agreement:

Mr. Locke requested approval of the Engineering Agreement, HCHD #E-02-0009, for traffic analysis at I-69 (Exit 10) and S.R. 238 interchange in accordance with the interlocal agreements with Fishers and Noblesville. This agreement is with A&F Engineering in the amount of \$32,000.00. Holt motioned to approve. Dillinger seconded. Clark asked what is this costing each entity? Mr. Locke stated each agency has contributed \$40,000.00. This is for a traffic study to determine traffic movements at this interchange and how it effects traffic on I-69 through 82nd Street, to discuss with INDOT why we should have additional ramps or why they should help with improvements at this location. It also provides us with traffic movements to come up with an initial plan to set aside right-of-way at that intersection and whether we should tie Olio Road and 146th Street or S.R. 238 together. This would protect this interchange area

from additional development. Clark stated we are paying A&F \$32,000 to do this study? Mr. Locke stated correct, another agreement was signed at the last meeting to do the geometrics and design and calculate where those right-of-ways should be. This information will go to meetings for the county and two towns so we can discuss what the needs are and it is put into everyone's thoroughfare plan to protect the right-of-way. The agreement signed at the last meeting also included the geometrics, etc. for the interchange at Cyntheanne and I-69 to preserve right-of-way. Motion carried unanimously.

**Bridge #208 Supplemental Agreement No. 5:**

Mr. Locke requested approval of Supplemental Agreement No. 5, HCHD #E-99-0013, with Beam, Longest & Neff for Bridge #208, Field Drive over White River. One of the conditions of our permits from DNR was to have a Habitat Replacement Plan which was not in the initial agreement. The supplement is in the amount of \$9,900.00. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Inspection Agreement (Tape 1, #323)**

**Bridge #269, Salsbury Creek Drive over Williams Creek:**

Mr. Locke requested approval of Inspection Agreement, HCHD #A-02-0010, for Bridge #269, Salsbury Creek Drive over Williams Creek in Woods of Williams Creek Subdivision. The agreements are in the amount of \$5,000.00 with EDIS, Inc. and Woods at Williams Creek. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Utility Agreements (Tape 1, #339)**

**Bridge #176, 136th Street over Mud Creek:**

Mr. Locke requested approval of Utility Agreements for Bridge #176, 136th Street over Mud Creek with Sprint Telephone Company and PSI Energy, Inc. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Beacon Point Landscape Sprinkler System Agreement:**

Mr. Locke requested approval of an agreement regarding landscape sprinkler system in right-of-way, HCHD #M-02-0033, with Beacon Point Homeowner's Association for Beacon Point Subdivision in Washington Township. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Concurrence with Traffic Studies: (Tape 1, #375)**

Mr. Locke requested concurrence with the List of Correspondence Concerning Investigations of Requests for Signage on Hamilton County Roads. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Correspondence (Tape 1, #394)**

**Highway Project Status Update:**

Mr. Locke added additional pages to be added to the Highway Projects Status Report

submitted to the Commissioners last week. Clark asked for an update on the bridge on 110th Street. Mr. Matt Knight stated they have been moving utilities for the last 2-3 weeks and they are out of the way. The contractor is ready to start taking out the old structure. They are hoping to have the new bridge in by the end of July.

#### Bridge #262 Right-of-Way Assurances Letter to INDOT:

Mr. Locke requested approval of a letter to INDOT regarding right-of-way assurances for Bridge #262 over Geist Reservoir (Fall Creek) on Fall Creek Road. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

#### Vehicle Transfer:

Mr. Tom Stevens stated he received a request from John South, Soil & Water Conservation District, to transfer of a 1994 Blazer ( Equipment #9) from the Hamilton County Highway Department to the Soil and Water Conservation District. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

#### Surplus Auction Report:

Mr. Stevens presented a report on the Highway Department Surplus Auction held June 28, 2002. Gross receipts were \$29,841.00. With expenses for advertising and commission gave us a net of \$26,391.04. Clark asked when the list was prepared for auction, to whom was the list distributed? Mr. Stevens stated it was first sent to the Commissioners to be declared surplus, then it was advertised in the newspaper and given to the auctioneer for fliers and department heads that he thought would be interested in the items. Clark asked if it was shared with all department heads? Mr. Stevens stated to his knowledge, not by him. Clark stated she was contacted about some of the items auctioned off. Clark motioned that when we auction county property that the list be made available to all department heads. Holt seconded. Motion carried unanimously. Mr. Locke asked if it is the department's responsibility that is holding the auction to get to every department? Dillinger suggested the list of items should be given to Fred Swift and he can distribute the list to the departments. Mr. Stevens stated the furniture listed for auction received no bids and was thrown in the dumpster. It was unusable furniture.

#### Request to Advertise:

Mr. Locke requested permission to advertise and sign the Title Sheets for the following projects: Bridge No. 31 & 32, Springmill Road over Williams Creek; Bridge #123, 211th Street over Locke Ditch; and Bridge No. 190 Connecticut Avenue over Flatfork Creek to be let August 12, 2002. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

#### Plat Approval:

##### Centennial Townhomes, Section 9:

Mr. Steve Broermann recommended approval of the plat for Centennial Townhomes, Section 9. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

#### 106th Street and Springmill Intersection Funding:

Clark thanked Mr. Locke for finding the funding for the intersection of 106th Street and Springmill Road.

### **Commissioner Committee Reports (Tape 1, #878)**

#### **Joint Meeting:**

Clark stated there will be a Joint Meeting of the Commissioners and County Council on Friday, July 19th from 8am-12 noon at the 4-H Grounds Conference Room.

#### **E-911 Forum:**

Clark stated they had a good turnout for the presentation for Simulcast. The E-911 Review Board has made a positive recommendation to move forward with the radio dispatch system. Ms. Levine and she will be visiting the various jurisdictions to ask for letters of support.

#### **Weatherstone Subdivision Trees:**

Mr. Bob Null, representing the Weatherstone Subdivision, requested a decision by Dave Lucas, Highway Inspector be reversed, stating we would have to remove trees planted between the street and sidewalk. Mr. Null stated about three residents of Weatherstone planted the trees in this area about one month ago. Mr. Null stated we think the trees look nice, enhance the property value and would like the option to create a community that has a boulevard feel to it. He understands that this does not entitle them to plant the trees. He understands there has been a right-of-way granted to the County for drainage and sewer easements. Mr. Lucas' primary concern was that there could be some root strangulation of the plumbing installed near the road. He did not give any indication that this has ever occurred, especially with newer plumbing systems. When looking at other subdivisions and communities that are nearby, it seems almost arbitrary that one community has the trees and one community will not have the trees.

Mr. Locke stated the Highway Department is very concerned about site distances and drainage. It is perforated pipe. Fishers does not have the problem with the roots in the drainage pipes because they do not put in under drains. It is critical to keep the tree roots out of the drains to keep them operating. We also want to make sure we have visibility of signs. Communities that do allow the trees have very poor visibility of signs. It is important that there is a clear view around curves for safety reasons. There are 35 homes in the Weatherstone Subdivision. 34 of the homes have trees. 31 of the homes have trees planted outside of right-of-way, only 3 homes have planted the trees in right-of-way. Mr. Locke asked Mr. Null if there were any conversations with other neighbors with the regarding that the County does not allow the trees in right-of-way? Mr. Null stated no. There was a blanket decision by Zaring Homes that the trees were planted outside of right-of-way. Mr. Howard stated the homeowners should have legally known what the covenants are. Right to beautify is on your land. Right-of-way is not your land to beautify as you desire. Mr. Null stated he understands they do not a persuasive argument to present. We are asking if you would please let us do this. He does understand what right-of-way is all about and regrets not looking in to it before digging the holes. Mr. Locke asked if he installed the trees, not the developer? Mr. Null stated he installed the four trees in the right-of-way, as did the other two lots. It was not a conscience decision to be defiant of any governmental unit. Mr. Lucas reviewed the pictures of the subdivision and the trees. Mr. Null asked if there is any possibility of having a list of approved trees that can be planted? Mr. Locke stated due to the proximity and that it is

always wet, it is a natural draw for any type of tree. Mr. Steve Baitz, Surveyor's Office, stated he would support the Highway Department's stand on removing the trees. Mr. Null stated it seems to him the safety issue would be decided on a case by case basis. Are you making those decisions based on photographs from another subdivision's worst case scenario? Mr. Locke stated there is always a safety issue from the standpoint on how the trees grow out. It is hard to tell two neighbors yes you can and the next neighbor no you can't. With the combination of the safety and drainage issue it is not desirable to allow an occasional person to put the trees in under a specific set of circumstances. Holt motioned to allow Mr. Null and the other homeowners to get the trees moved behind the right-of-way. Dillinger seconded. Motion carried unanimously. Clark stated we will get letters to the homeowners letting them know they have 30 days to move the trees.

**Fiber Optic Interlocal Agreement: (Tape 1, #1975)**

Ms. B.J. Casali requested approval of Resolution 7802-3, A Resolution Providing for an Interlocal Agreement with the City of Noblesville, The Town of Fishers and the County of Hamilton Regarding the Use and Ownership of a Fiber Optic Data Connection. Fishers and Noblesville are assuming the financial responsibility for fiber line, Noblesville it to obtain the permit to bore under S.R. 32. Fishers approved this agreement at their July 1st meeting. Noblesville is to review the agreement tomorrow. The cost to the county is for the switch which is approximately \$6,000.00. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Clark called a break at 2:40 pm. Clark called the meeting back to order at 3:05 pm.

**Administrative Assistant (Tape 1, #2040)**

2003 Commissioner's Budget:

The Commissioners discussed the proposed 2003 Commissioner's Budget. Holt motioned to approve the Commissioner's budget. Dillinger seconded. Motion carried unanimously.

Our Lady of Mount Carmel Church Dedication Procession:

Mr. Swift stated Our Lady of Mount Carmel Catholic Church is having a Dedication Procession to dedicate a new addition to their church on July 16, 2002 on Oak Ridge and 146th Street. They are not closing the roads. They have made arrangements for traffic control with the Sheriff's Department.

Humane Society:

Clark stated the Humane Society is on the agenda for the July 19th Joint Meeting. Clark asked Ms. Ramsey if their budget request of \$270,000.00 would offer including the entire county and back off the pay as you bring a pet in. This would enable all of the townships in the county to participate. Ms. Ramsey stated she has looked over the 2003 pay schedule for Hamilton County and there is a noticeable difference between what any non-profit normally pays their employees verses what the county pays. Humane Society pays \$5,000.00 to \$10,000.00 per position less than what the consulting firm indicated for animal control. Holt asked in our 1999 budget we included \$50,000.00 for the spay neuter program and last year it dropped to

\$10,000.00, how is the Spay-Neuter program going? Ms. Ramsey stated it is going very well, we have seen a marketed increase from 2001 to 2002. We feel we are able to generate fundraising to have the County match the \$10,000.00. We have the \$10,000.00 for 2002, which will be sent to the Auditor for the \$10,000 match. Holt asked if the volume will be high enough to be spent? Ms. Ramsey stated yes. Holt asked Clark and Levine if they visualize a capital expenditure as well? Where are we on facilities and is that on the July 19th agenda? Clark stated we will have to make decisions on the 19th, are we going to marry the Humane Society or divorce the Humane Society. Are we going to set up Animal Control officers under the Sheriff's Department? We have major decisions to make before we make a capital investment. The Humane Society has no more space. If that is the case we may have to consider that as part of the capital improvement plan for that site. Holt asked if we are in shape to come up with an answer on the 19th? Does Cindy need to be prepared to speak to that in her segment or is she going to talk about the 2003 budget? Clark stated they are bringing us two recommendations, one for \$270,000, which is not enough, which enables them to provide shelter. If we, the County, determine that we need animal control officers to serve the County under the Sheriff's department and what portion, if at all, do we want the Humane Society to provide? Do we have a project in mind to facilitate and provide animal control for the county? Holt stated when he says a capital number he is wanting land and building. Clark stated it would be our understanding that we would have a number to build a facility, we would hope it would incorporate in to the entire complex on Cumberland Road. We have asked the taskforce to include that in their study. Judy Levine stated we have to re-prioritize. She does not think we will get any new positions next year. We definitely have to do something about this situation. Holt stated if we are having the joint session are we going to present the problem with some suggested solutions? Holt stated he did not think the corrections complex was very feasible. They are not compatible uses of land. Ms. Levine stated Corrections concurs, they would like to have cats and dogs out. Holt asked Ms. Levine to set up a meeting with Ms. Ramsey, David Brown and Holt.

**Vehicles:** (Tape 2, #216)

Holt asked about the Buildings and Grounds request for \$27,000.00 to add a 4-wheel drive for the Director? Doesn't the Director already have a new truck? Mr. Swift stated he is planning on reassigning his current truck to the Fairgrounds. The Fairgrounds sold a truck, which they owned, and they are down one vehicle. Holt asked who is driving the new Emergency Management Vehicle? Mr. Swift stated Dave Bice is driving the new vehicle. Bob Hendericks is driving the older vehicle, which will have 100,000 miles on it next year. Holt asked who is going to drive the new vehicle? Clark stated Bob Hendericks. Bob would not purchase the vehicle until September of 2003, he wants a 2004 vehicle. Mr. Swift stated David Bice is driving the new vehicle now. Clark stated she questioned the price, which seems out of line with our current vehicles. Clark stated Bob really wants a 2004 vehicle and he buys as the Sheriff's does on the State contract and that is approximately what those vehicles cost. He has been told that he would have a \$1,000.00 trade in on the Taurus. Clark stated she has spoken to the Safety Director, she thinks he just needs a sedan - he does not need a van. ISSD needs the van the Safety Director is driving now. Holt motioned to table all six vehicles. Holt stated he would like clarification on the vehicles before August.

Attorney:

Resolution 7-8-02-2:

Washington DC Lobbyist Interlocal Agreement:

Mr. Howard requested approval of Resolution 7-8-02, A Resolution of the Board of Commissioners of Hamilton County Approving Interlocal Agreement for the Washington D.C. Lobbyist. Dillinger motioned to approve the Interlocal Agreement and the accompanying Resolution 7-8-02-2 as proposed. Holt seconded. Motion carried unanimously.

Roudebush Hilltop, Inc. Limited Warranty Deed:

Mr. Howard requested approval of the Limited Warranty Deed to Roudebush Hilltop, Inc. from the Hamilton County Board of Commissioners. The Deed will be held by the County Attorney until Mr. Verble pays their \$100,000.00. Holt motioned to approve the Limited Warranty Deed to be held by the County Attorney for closing. Dillinger seconded. Motion carried unanimously.

Liability Trust Claim:

Mr. Howard requested approval of a Liability Trust Claim for litigation expenses in the amount of \$8,834.00. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Auditor** (Tape 2, #844)

Resolution 7-8-02-1, Concerning Auditor's Credit Card:

Ms. Mills requested signatures on Resolution 7-8-02-2 passed at the last meeting concerning a credit card for the Auditor.

Bovine Brucellosis and Tuberculosis Contract:

Ms. Mills requested approval of the annual contract with the Indiana State Board of Animal Health for the Bovine Brucellosis and Tuberculosis eradication in Hamilton County. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Liability Trust Claims:

Ms. Mills requested approval of Liability Trust Claims: 1) Miller Auto Body - \$1,025.00 Holt motioned to approve. Dillinger seconded. Motion carried unanimously. 2) Miller Auto Body - \$3,547.60. Dillinger motioned to approve. Holt seconded. Motion carried unanimously. 3) Midwest Claim Service - \$682.65. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Drainage Board:

Ms. Mills requested acceptance of Bonds for the Drainage Board. 1) HCDB-2002-00327 - National City Bank Irrevocable Standby Letter of Credit No. SCL007952 for the reconstruction of the McMahon-Overdorf Drain across Ryan Fire Protection site in Noblesville Business Park in the amount of \$23,500.00. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Payroll Claims:



Ms. Mills requested approval of Payroll Claims paid on July 5, 2002. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Vendor Claims:

Ms. Mills requested approval of Vendor Claims to be paid July 9, 2002. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Dillinger motioned to adjourn the meeting. Holt seconded. Motion carried unanimously.

**Commissioners Correspondence:**

116th Street and Clay Center Road Letter from Dr. Coffey

Beam, Longest & Neff Notice of Transmittals:

Culvert Plans HCHD #PB-99-0015

Bridge #208, Field Drive over White River

Small Structure Replacement - Lamong Road over McKinzie Ditch

City of Carmel Plan Commission Notice of Public Hearing:

Laura Vista, East of SR 431 and South of 146th Street

IDEM Notice of Sewer Permit Application:

Washington Woods Elementary - Westfield

Village of West Clay, Block C Townhomes - Carmel

IDEM Notice of Public Comment:

E&P Paving, Inc.

IDEM Notice of Appeal Process:

Settler's Ridge at Haverstick, Section 3

IDEM Notice of Decision - Approval:

Sun Packaging, Inc. - Westfield

INDOT Notice of Planned Development:

Rehabilitation of SR 238

4-H Fairgrounds for July 2002

Present:

Sharon R. Clark, Commissioner

Steven C. Dillinger, Commissioner  
Steven A. Holt, Commissioner  
Robin M. Mills, Auditor  
Kim Rauch, Executive Secretary to Auditor  
Fred Swift, Administrative Assistant to Commissioners  
Michael A. Howard, Attorney  
Tom K. Stevens, Highway Director  
Les Locke, Highway Engineer  
Virginia Hughes, Administrative Assistant to Highway Engineer  
Jim Neal, Highway Project Engineer  
Dave Lucas, Highway Inspector  
Robert Chadwell, Highway Inspector  
Christopher Burt, Highway Staff Engineer  
Tim Knapp, Highway Right-of-Way Specialist  
Joel Thurman, Transportation Development Engineer  
Matt Knight, Highway Staff Engineer  
Mike McBride, Small Structure Staff Engineer  
Faraz Hahn, Highway Department  
Kate Lewis, Ledger  
Judy Levine, County Council  
Bob Null, Weatherstone Subdivision  
B.J. Casali, ISSD  
Floyd Burroughs, Floyd Burroughs & Associates  
Steve Baitz, Surveyor's Office  
Becki Wise, USI  
David Brown, Hamilton County Humane Society  
Cindy Ramsey, Hamilton County Humane Society

APPROVED

HAMILTON COUNTY BOARD OF COMMISSIONERS

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ATTEST:

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